

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-7, 9-23, and 25-51 are pending in the application, with 1, 17, 33, 36, 37, 40, 43, and 46 being the independent claims. Claims 1, 9, 17, 25, 33, 36, and 37 are amended. Claims 47-51 are new. Claims 8 and 24 are canceled without prejudice or disclaimer. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Allowable Subject Matter***

Applicant acknowledges with appreciation the Examiner's indication that claims 40-46 are allowable, and that claims 11-13, 27-29, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 11-13, 27-29, and 39 were previously rewritten in independent form as allowed claims 40-46.

***Rejections under 35 U.S.C. § 102***

In paragraph 5 of the Office Action, claims 1-4, 6-10, 17-20, 23-26, 33-37, and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,330,345 to Russo *et al.* (hereinafter Russo). Applicant respectfully traverses this rejection.

Technical differences exist between Russo and the claimed embodiments of the present invention. Claim 1, as amended, recites:

1. A method of capturing an acceptable fingerprint image comprising the steps of:
  - (a) capturing an initial fingerprint image at a nominal image integration time;
  - (b) capturing a first intermediate fingerprint image at a first intermediate image integration time;
  - (c) performing a fingerprint image darkness test, including calculating average darkness values for a plurality of image darkness lines arranged in pairs of image darkness lines, said pairs of image darkness lines situated within an expected image capture region; and
  - (d) performing an image definition test.

Russo does not teach all of these features of claim 1. For example, Russo does not teach performing a fingerprint image darkness test, including calculating average darkness values for a plurality of image darkness lines arranged in pairs of image darkness lines, the pairs of image darkness lines situated within an expected image capture region. Russo does not teach performing a fingerprint image darkness test with regard to pairs of image darkness lines.

Thus, as described above, Russo does not teach all of the features of claim 1. Therefore, claim 1 is patentable over Russo, for at these reasons. Furthermore, independent claims 17, 33, 36, and 37 are patentable over Russo for similar reasons, and further in view of their own features. Claims 2-4, 6, 7, 9, 10, 18-20, 23, 25, 26, 34, 35 and 38, which depend from independent claims 1, 17, 33, 36, and 37, are also patentable over Russo for at least these reasons, and further in view of their own features. Claims 8 and 24 have been canceled. Accordingly, Applicant respectfully requests that this rejection of claims 1-4, 6, 7, 9, 10, 17-20, 23, 25, 26, 33-37, and 38 be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 103***

In paragraph 6 of the Office Action, claims 5 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo. Applicant respectfully traverses this rejection.

As described above, independent claims 1 and 17 are patentable over Russo. Thus, Applicant asserts that claims 5 and 21, which depend therefrom, are also patentable over Russo for at least the same reasons, and further in view of their own features. Accordingly, Applicant respectfully requests that the rejection of these claims be reconsidered and withdrawn.

In paragraph 7 of the Office Action, claims 14-16, 22, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo as applied to claims 1-5, 6-10, 17-21, 23-26, 33-37, and 38 above, and further in view of U.S. Patent No. 6,241,288 to Bergenek *et al.* (hereinafter Bergenek). Applicant respectfully traverses this rejection.

As described above, independent claims 1 and 17 are patentable over Russo. Thus, Applicant asserts that claims 14-16, 22, and 30-32, which depend therefrom, are also patentable over Russo for at least the same reasons, and further in view of their own features. Furthermore, Applicant asserts that Bergenek does not provide the teachings missing from Russo. Accordingly, Applicant respectfully requests that the rejection of these claims be reconsidered and withdrawn.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the

Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'Jeffrey S. Weaver', followed by a horizontal line.

Jeffrey S. Weaver  
Attorney for Applicant  
Registration No. 45,608

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1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600